



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,108	06/22/2000	Denis Serenyi	04860.P2535	9213

James C Scheller Jr
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Application No.

09/603,108

Applicant(s)

SERENYI ET AL.

Examiner

Thomas Duong

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-145 is/are pending in the application.
- 4a) Of the above claim(s) 21-68, 89-136, 140, 143 and 144 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 69-88, 137-139, 141, 142 and 145 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of *claims 1-20, 69-88, 137-139, 141-142 and 145* in Paper No. 5 is acknowledged.
2. *Claims 21-68, 89-136, 140 and 143-144* are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5. In response to this office action, cancellation of nonelected claims is required from the applicant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. *Claims 1-6, 10-13, 15-16, 19-20, 69-74, 78-81, 83-84, 137-139, 141-142 and 145* are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (US006629138B1) and in view of Wynblatt et al. (US006546421B1).
5. With regard to *claims 1-2, 69-70, 137-139, 141-142 and 145*, Lambert reference discloses,

- *transmitting a request for streaming media data to be delivered to said caching proxy server; (col.5, lines 28-30; col.6, lines 10-12; sheet 3, fig.2; sheet 4, fig.3).*
- *receiving said streaming media data and storing said streaming media data on a storage device which is capable of being controlled by said caching proxy server; and (col.12, lines 57-60; col.6, lines 54-57; sheet 4, fig.3; sheet 7, fig.6).*

However, Lambert reference does not explicitly disclose,

- *transmitting a request for data associated with said streaming media data, said request including an identifier which represents one of several possible types of data associated with said streaming media*
- *receiving said data associated with said streaming media data*

Wynblatt teaches,

- *transmitting a request for data associated with said streaming media data, said request including an identifier which represents one of several possible types of data associated with said streaming media (col.4, lines 55-64; sheet 3, fig.3).*
- *receiving said data associated with said streaming media data (col.4, line 64 – col.5, line 4; sheet 3, fig.3).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Wynblatt reference with Lambert reference to convey information regarding the content of one or more

corresponding data streams of the data stream servers (Wynblatt, col.3, lines 3-6).

6. With regard to *claims 3, 12, 71 and 80*, Lambert reference discloses,

- *responding to the request with a response indicating a capability of the server to support the request; and* (Lambert, col.8, lines 3-7).

However, Lambert reference does not explicitly disclose,

- *receiving a request for streaming media data, (Lambert, col.6, lines 10-12; sheet 3, fig.2; sheet 4, fig.3) said request including a request for data associated with said streaming media data, said request including an identifier which represents one of several possible types of data associated with said streaming media data;*
- *sending the requested data associated with said streaming media data*

Wynblatt teaches,

- *receiving a request for streaming media data, (Lambert, col.6, lines 10-12; sheet 3, fig.2; sheet 4, fig.3) said request including a request for data associated with said streaming media data, said request including an identifier which represents one of several possible types of data associated with said streaming media data; (Wynblatt, col.4, lines 55-64; sheet 3, fig.3).*
- *sending the requested data associated with said streaming media data (Wynblatt, col.4, line 64 – col.5, line 4; sheet 3, fig.3).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Wynblatt reference with Lambert reference to convey information regarding the content of one or more corresponding data streams of the data stream servers (Wynblatt, col.3, lines 3-6).

7. With regard to *claims 4, 13, 72 and 81*, Lambert reference discloses,

See *claims 3, 12, 71 and 80* rejection as detailed above.

However, Lambert reference does not explicitly disclose,

- *wherein said sending uses a real-time transport protocol (RTP)*

Wynblatt teaches,

- *wherein said sending uses a real-time transport protocol (RTP)* (col.1, lines 22-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Wynblatt reference with Lambert reference to allow the user to access (view, listen or both) the streaming media on a real-time basis. Furthermore, the purpose of RTP is to enhance applications such as distance learning, conferencing tools and video-on-demand in the areas of education, business and entertainment, respectively by providing the demand of VCR like control features in the multimedia applications above.

8. With regard to *claims 5 and 73*, Lambert and Wynblatt references disclose,

See *claims 3 and 71* rejection as detailed above.

Furthermore, Lambert reference discloses,

- *wherein said request may be made by a caching proxy server or a client*
(col.5, lines 30-33, lines 35-38, lines 60-61; col.6, lines 10-12).

9. With regard to *claims 6, 10-11, 16, 19-20, 74, 78-79, 84 and 87-88*, Lambert and Wynblatt references disclose,

See *claims 3, 12, 71 and 80* rejection as detailed above.

Furthermore, Lambert reference discloses,

- *wherein the server responding with an echo only if it supports the request*
(col.8, lines 3-7).

10. With regard to *claims 15 and 83*, Lambert and Wynblatt references disclose,

See *claims 12 and 80* rejection as detailed above.

Furthermore, Lambert reference discloses,

- *wherein said sending a request may be for one or more various and unrelated types of streaming media data to be sent at a time* (col.5, lines 12-16).

11. *Claims 7-9, 14-15, 17-18, 75-77, 82-83 and 85-86* are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al. (US006629138B1), in view of Wynblatt et al. (US006546421B1) and further in view of Bushmitch et al. (US006275471B1).

12. With regard to *claims 7-9, 14, 17-18, 75-77, 82 and 85-86*, Lambert and Wynblatt references disclose,

See *claims 3, 12, 71 and 80* rejection as detailed above.

However, Lambert and Wynblatt references do not explicitly disclose,

- *further comprising sending the requested data associated with the transmission protocol in an extensible extended header format*

Bushmitch teaches,

- *further comprising sending the requested data associated with the transmission protocol in an extensible extended header format (col.5, lines 15-28).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bushmitch reference with Wynblatt and Lambert references to provide for reliable real-time data streaming in a multimedia delivery system while utilizing best effort unreliable network services (e.g. Internet).

13. With regard to *claims 15 and 83*, Lambert and Wynblatt references disclose,

See *claims 12 and 80* rejection as detailed above.

Furthermore, Bushmitch reference teaches,

- *wherein said sending a request may be for one or more various and unrelated types of streaming media data to be sent at a time (col.3, lines 33-43).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Bushmitch reference with Wynblatt and Lambert references to increase the flexibility and robustness of the system by including the ability to service multiple media streams at any particular time.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
 - Geagan, III et al. (US006263371B1)
 - Beckerman et al. (US006415327B1)
 - Blackard et al. (US005918020A)
 - Ram et al. (US006625258B1)

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned

Art Unit: 2143

are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

Thomas Duong

Examiner

Art Unit 2143

November 25, 2003



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER